UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:14-cv-249-RJC

DOUGLAS C. ALLAN,)	
Plaintiff,)	
v.)) <u>O</u>	RDER
CAROLYN W. COLVIN, Acting Commissioner of Social)	
Security Administration,)	
Defendant.))	

THIS MATTER comes before the Court sua sponte. On May 15, 2014, Plaintiff filed his Complaint, which seeks a review of a final determination of the Commissioner of Social Security holding that he is not entitled to a period of disability and disability insurance benefits. (Doc. No. 1). Plaintiff did not pay the filing fee, but he filed a Motion to Proceed In Forma Pauperis on the same day. (Doc. No. 2). However, the Court denied Plaintiff's Motion to Proceed In Forma Pauperis on October 7, 2014. (Doc. No. 3). The Court's Order directed Plaintiff to pay the full filing fee of \$400 in order to continue this action. (Id.). A review of the docket indicates that Plaintiff has not paid the filing fee, no summons has been issued, and the case has been sitting dormant since October 2014.

Federal Rule of Civil Procedure 41(b) provides, in pertinent part, that the Court can dismiss a complaint for failure to prosecute or failure to comply with a court order. See also Bethel v. Dep't of State Police Sex Offender Registry, 544 F. App'x 234, 234–35 (4th Cir. 2013) (affirming a district court's dismissal of a complaint after the plaintiff failed to pay the filing fee). Plaintiff was ordered to pay the full filing fee of \$400 for this action to continue. More

than seventeen months have passed since the Court issued the Order, and Plaintiff has not paid the filing fee or taken any other steps to prosecute this case. It is Plaintiff's burden to move this case forward, and he is required to take the appropriate action in order to prosecute this case.

Accordingly, Plaintiff shall have seven (7) days from the entry of this Order within which to pay the filing fee in this case. Plaintiff is hereby warned that if he does not pay the filing fee within seven (7) days, his case will be **DISMISSED with prejudice** without further notice.

IT IS, THEREFORE, ORDERED that Plaintiff shall pay the filing fee in this case within seven (7) days of the entry of this Order. FAILURE TO COMPLY WITH THIS ORDER AND TO PAY THE FILING FEE WITHIN SEVEN (7) DAYS WILL RESULT IN DISMISSAL OF THE COMPLAINT WITH PREJUDICE WITHOUT FURTHER NOTICE.

Signed: March 11, 2016

Robert J. Conrad, Jr.

United States District Judge